UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,217	03/25/2005	Takao Aichi	00862.023326	2027

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EXAMINER
WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 January 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 March 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-33 have been considered but are moot in

view of the new grounds of rejection.

Information Disclosure Statement

2.   The information disclosure statement filed October 20, 2006, fails to comply with 37

CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is

presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about

the content of the information, of Russian document 96111952, which is not in the English

language. The reference has not been considered.

Claim Objections

3.   The amendment to the claims has overcome the claim objections. The objections are

withdrawn.

Claim Rejections - 35 USC § 101

4.   The amendment to the claims has vitiated the rejection under 35 U.S.C. 101. The

rejections under that section are withdrawn.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogiwara

(U.S. Patent Application No. 2003/0095160) in view of Yoshida (U.S. Patent Application

Publication No. 2004/0165070).

Regarding **claims 1, 9, and 17,** Ogiwara discloses a printing system in which an image

supply device (digital camera DC in Figure 4) and a printing apparatus (printer 1) directly

communicate with each other, and data is supplied from said image supply device to said

printing apparatus to attain a printing process (see paragraph 51), wherein said image supply

device comprises:

an interface (the unlabeled bus shown in Figure 5) adapted to connect with a storage medium (image recording medium 56) which stores an image file (see paragraph 54) and first printing condition data (the size of an image; see paragraph 58) associated with a printing process of the image file (an image must inherently be sized to fit on a piece of paper when printed);

acquisition means (USB interface 55) for acquiring information associated with a print function (the size of recording paper is received from the printer; see paragraph 58) of said printing apparatus by communicating with said printing apparatus (see *id.*);

setting means (CPU 52) for setting second printing condition data (the enlargement or reduction of the original image necessary to fit on the paper; see paragraphs 58-59) associated with the printing process of the image file on the basis of the information associated with the print function, which is acquired by said acquisition means; and

printing instruction means (CPU 52) for issuing a printing instruction to said printing apparatus on the basis of the first and second printing condition data (see paragraph 59), and

said printing apparatus comprises:

printing control means (inherently present in order to carry out the operations shown in Figure 2) for controlling to acquire the image file stored in said storage medium in accordance with the printing instruction issued by said printing instruction means and to print the image data file (see paragraphs 59-63).

Ogiwara is silent with regard to storing the first printing condition data independently of the image file.

Yoshida describes the DPOF standard, which stores data regarding images in text files separate from the image files (see paragraph 8). As stated in paragraph 8, an advantage of doing so is that the data about the images can be erased without erasing the images themselves. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ogiwara's system store data about the images separately from the images.

Regarding **claims 2, 10, and 18**, Ogiwara discloses:

> said image supply device further comprises selection means (CPU 52) for selecting one of the first and second printing condition data to be preferentially used to issue the printing instruction to said printing apparatus (the CPU determines whether the aspect ratio is sufficient to print as-is or whether the image must be cropped to fit on the paper; see paragraphs 58-68).

Regarding **claims 3, 11, and 19**, Ogiwara discloses said image supply device further comprises:

> comparison means (CPU 52) for comparing the first and second printing condition data (see paragraphs 58-63); and

> printing condition selection means for, in a case where it is determined as a result of comparison by said comparison means that the first and second printing condition data are different from each other, selecting one of the first and second printing condition data (the CPU determines whether the aspect ratio is sufficient to print as-is or whether the image must be cropped to fit on the paper; see paragraphs 58-68).

Regarding **claims 4, 12, and 20**, Ogiwara discloses said image supply device further

comprises:

comparison means (CPU 52) for comparing the first and second printing

condition data (see paragraphs 58-63); and

warning display means (display 57) for, in a case where it is determined as

a result of comparison by said comparison means that the first and second printing

condition data are different from each other, displaying a warning (Figure 6

shows non-print areas that warn a user what will be cropped in order to fit the

image on the paper; see paragraphs 60-62).

Regarding **claims 5, 13, 21, 26, and 28**, Ogiwara is silent with regard to using a DPOF to

designate the printing condition data.

Yoshida describes the DPOF standard, which designates printing condition data,

including how images should be sized for printing (see paragraphs 5-7). As suggested in

paragraph 7, an advantage of using the standard is that it permits cameras to share laboratory

equipment. For this reason, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have Ogiwara's system use the DPOF format to designate

printing condition data.

Regarding **claims 6, 14, and 22**, Yoshida discloses:

said image supply device comprises input means for inputting the first

printing condition data (inherent, since the information on "how the images are

trimmed for printing" must have some source; see paragraph 7), and means for

generating the DPOF on the basis of information input by said input means (see

paragraph 6).

Regarding **claims 7, 15, and 23**, Ogiwara discloses:

> said printing instruction means generates a command sequence for the
second printing condition data (see paragraph 48), which includes the image file
selected by the first printing condition data within a range of the second printing
condition data (see paragraphs 58-68).

Regarding **claims 8, 16, and 24**, Ogiwara discloses:

> the second printing condition data defines a printing condition based on a
common protocol between said image supply device and said printing apparatus
(the camera is capable of requesting — and the printer is capable of sending —
the current paper size; see paragraph 58).

Regarding **claims 25 and 29**, Ogiwara discloses an image supply device (digital camera
DC in Figure 4) comprising:

> an interface (the unlabeled bus shown in Figure 5) adapted to connect with
a storage medium (image recording medium 56) which stores an image file (see
paragraph 54) and first printing condition data (the size of an image; see
paragraph 58) associated with a printing process of the image file (an image must
inherently be sized to fit on a piece of paper when printed);

> acquisition means (USB interface 55) for acquiring capability information
(the paper size on which the printer is capable of printing; see paragraph 58)
associated with a print function (printing on a piece of paper at an appropriate
size) of a printing apparatus (printer 1) by communicating with the printing
apparatus (see *id.*);

setting means (CPU 52) for setting second printing condition data (the

enlargement or reduction of the original image necessary to fit on the paper; see

paragraphs 58-59) associated with the printing process of the image file on the

basis of the capability information associated with the print function, which is

acquired by said acquisition means; and

transmission means (USB interface 55) for transmitting the second

printing condition data including information for designating the first printing

condition data to the printing apparatus (the size of an image and appropriately

scaled image data are transmitted to the printer; see paragraphs 58-63).

Ogiwara is silent with regard to storing the first printing condition data independently of

the image file.

Yoshida describes the DPOF standard, which stores data regarding images in text files

separate from the image files (see paragraph 8). As stated in paragraph 8, an advantage of doing

so is that the data about the images can be erased without erasing the images themselves. For

this reason, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to have Ogiwara's system store data about the images separately from the images.

Regarding **claims 27 and 30**, Ogiwara discloses a printing apparatus (the printer 1 shown

in Figure 4) comprising:

transmission means for transmitting capability information relating to print

functions of the printing apparatus to an image supply device (the printer is

capable of sending the current paper size upon request; see paragraph 58); and

reception means for receiving information to designate first printing

condition data (an original image size; see paragraph 58), wherein the information

is designated by second printing condition data (the size of the paper in the printer) in accordance with the capability information relating to the print functions of the printing apparatus (the printer receives image data of a first size after it has been resized and cropped in order to print on paper of the transmitted size; see paragraphs 58-68),

wherein the information to designate the first printing condition data is described as an image file to be printed in accordance with the second printing condition data (the printer receives image data of a first size after it has been resized and cropped in order to print on paper of the transmitted size; see paragraphs 58-68).

Ogiwara is silent with regard to storing the first printing condition data independently of the image file.

Yoshida describes the DPOF standard, which stores data regarding images in text files separate from the image files (see paragraph 8). As stated in paragraph 8, an advantage of doing so is that the data about the images can be erased without erasing the images themselves. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ogiwara's system store data about the images separately from the images.

Claims 31-33 may be treated like claims 17, 29, and 30, respectively. Additionally, Ogiwara teaches that camera executes a program stored on a RAM or ROM (see paragraph 69).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure.

Sato (U.S. Patent No. 6,823,092) describes the advantages of the DPOF file format.

The DPOF document by Canon Inc. summarizes the DPOF file format.

9.   Applicant's amendment necessitated the new grounds of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The

examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern

standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the

organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTW
JTW
February 1, 2007

TUAN HO
PRIMARY EXAMINER